

**WIAB 07-10**

**DATE:** November 30, 2010  
**TO:** All WIA Subrecipients  
**FROM:** Susan Simmons, Workforce Operations Manager  
Workforce Development Division  
**SUBJECT:** Additional Guidance for Idaho's OJT NEG Project

**PARTICIPANT ELIGIBILITY** – Initial guidance stated that the participant must meet WIA's definition of Dislocated Worker; the dislocation event must have occurred on or after January 1, 2008; and the individual must meet the definition of "prolonged unemployed (exceeds 17.13 weeks unemployed time). Guidance also provided a definition of unemployed. **The definition of "unemployed" has been changed and is reflected below.** Note category "c" has been changed. Categories "a" and "b" remain the same.

A week will count as "unemployed" when a) the individual received an unemployment insurance payment (any amount) for that week; b) the individual did not work for any wages that week; or, c) the individual's employment for that week does not meet the Dislocated Worker 90% comparable work rule. To be comparable work, the job must be permanent, provide a comparable number of hours vs. layoff job, and provides at least 90% of layoff wage.

**EMPLOYER ELIGIBILITY** - three areas have been clarified.

**TYPE OF BUSINESS** - Initial guidance stated that OJT NEG does **not** allow development of OJT positions with public sector employers. **Clarification for eligible employers:** OJTs with **non-profit organizations** are allowed. OJTs with **new employers** are allowed; employer must have ability (staff) to train.

**RELOCATED BUSINESS** – Initial guidance stated that OJTs may not be written with employers that have relocated within the previous 120 days where the relocation action has resulted in the loss of employment of any employee at the original location. **Clarification:** The intent of this federal policy is to avoid OJT support to employers whose recent relocation to your community has caused unemployment in another community. Please use the OJT pre-award form (WIA/TAA-02) to ensure compliance with this policy.

**DISPLACEMENT** – Initial guidance stated that OJTs may not be written for positions that will or may result in displacement of current employees. **Clarification:** In addition, OJTs may not be written for positions where employees have been laid off due to lack of work. Note that all of these policies are reflected in the OJT General Provisions as well as the OJT Operational Guidelines.



**REIMBURSEMENT GUIDANCE** – Initial guidance provides minimum wage of \$10 per hour, limitation of six (6) months duration based on skill level, and a wage cap of \$18.23 per hour. **Clarification:** As with all OJTs, the OJT NEG position must be SVP level three (3) or higher, unless unusual circumstances apply. Please contact your grants management unit prior to writing any OJT for a lower SVP.

**Sliding Scale Employer Reimbursement** – Initial guidance reflected a sliding scale option for employer reimbursement based on employer size. **Clarification:** Businesses may have more than one site. The number of employees is not determined by site. To determine business size, staff should use the UI employer ID number and count all employees under that ID number.

**FORMS & MIS** – Initial guidance reflected incorporation of all WIA OJT forms and policies, along with coding for the MIS. Recently developed OJT posters and brochures are posted online in the WIA MIS and on the agency's intranet. **Update:** Staff is encouraged to use the OJT checklist. Please put forms on SCAN drive; submit 19A and 19E with assessment, and also submit 19A to Accounting Bureau for processing of employer reimbursements.

**BUDGET, STAFFING & TIME CODING** – Initial guidance provided specifics regarding Central Office oversight of funds which are being managed on a statewide basis without regional allocations, as well as specific guidelines for local office time charges. **Update:** Ben Phillips will be tracking obligations and staff expenditures and apprising local office staff of status during monthly phone calls.

**MARKETING OF OJT OPPORTUNITIES** - Initial guidance noted that marketing efforts may impact work flow. **Update:** Local offices are encouraged to develop a team approach with case managers and Business Solutions staff to 1) ensure timely response to interested employers and job seekers, 2) inform outreach staff about current WIA caseload and coordinate OJT development for current WIA case load, and 3) establish ongoing communications regarding availability of other WIA resources to support OJTs for individuals/employers who do not meet OJT NEG eligibility.

**OTHER RESOURCES** – Initial guidance encouraged use of other WIA resources when a job seeker or employer does not meet the specific criteria of the OJT NEG. **Update:** Other program resources should be coordinated with OJT NEG.

**TAA funds can be used for OJT.** However, use of TAA for OJT must be carefully considered since TAA training is a one-time occurrence. A TAA OJT can be established after classroom training if reflected on the training plan. Current plans can be revised to include the OJT option. OJT will count against the 104/156 week training limitations. Please contact TAA staff if you have any questions.

**Workforce Development Training Fund (WDTF).** Since the intent of WDTF is coverage of training costs incurred by the employer, OJTs should not be established to cover those same training costs. To ensure non-duplication, the Grants Management Unit will provide local offices with updated listings of employers involved with WDTF, and Business Solutions staff who are aware of WDTF will also be a resource.

Please contact your Grants Management Unit if you have any questions regarding the OJT NEG project.